

### **REMARKS**

Favorable reconsideration of this application is requested in view of the foregoing amendment and the following remarks. The present Amendment is concurrently file with a Request for Continued Examination (RCE). An Advisory Action having a mailing date of February 11, 2004 stated that the previous Amendment filed on January 14, 2004 was not entered. It is respectfully requested that the Examiner enter the previously filed Amendment in view of the RCE. Further, it is requested that the Examiner enter the present Amendment. Upon entry of the Amendments, claims 1-39, 41-46 and 49-50 are now currently pending.

Claim 1 as currently amended recites a method of producing surgical grade calcium sulphate by forming an initial calcium sulphate dihydrate from synthetic constituents. The initial calcium sulphate is dehydrated to form calcium sulphate anhydrite. The anhydrite is re-hydrated by immersing in an aqueous solution selected from the group consisting water and a salt solution where the concentration of salt in solution is less than 1%. The calcium sulphate dihydrate is subsequently allowed to crystallize out. The Examiner stated in the Advisory Action that claim 1 was indefinite because it did not recite proper Markush terminology. Claim 1 has been amended to include proper Markush terminology. As such, claim 1 is definite and in proper condition for allowance.

The Examiner further stated in the Advisory Action that there is no support in the specification for the feature in claim 1 that "rehydrating the calcium sulphate anhydrite by immersing in an aqueous solution selected from the group consisting water and a salt solution where the concentration of salt in solution is less than 1%." In a phone interview on February 19, 2004, the undersigned directed the Examiner's attention to the cited portions of the International Application (specifically page 3, paragraphs 4 and 5) where it states that the rehydration may take place in water or a dilute salt solution. The salt solutions provided in the International Application as examples are succinic acid and potassium sulphate, having a concentration of less than 1% and desirably substantially 0.1%. Further, paragraph four of page three states that the calcium sulphate anhydrite may be immersed in water or an aqueous solution for rehydration.

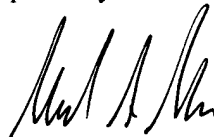
It is respectfully submitted that one of ordinary skill in the art would recognize that rehydration may take place in water or a dilute salt solution where the dilute salt solution comprises a solution having a concentration of salt in solution of less than 1%. Further, one of ordinary skill in the art would recognize that examples of such salt solutions are cited in paragraph five as succinic acid or potassium sulphate, with a concentration of less than 1% and desirably substantially 0.1%. The mention of succinic acid and

potassium sulphate is to provide one of ordinary skill in the art examples of the types of solutions that may be used for rehydrating. However, as stated in the specification, rehydration may take place in aqueous solutions such as water and dilute salt solutions. As such, it is respectfully submitted that support exists in the specification for the features of claim 1 and a withdrawal of the rejection of claim 1 is respectfully requested.

In view of the foregoing and in consideration of the previously filed Amendment, claims 1-39, 41-46 and 49-50 are now in condition for allowance. A favorable response to this Amendment in the form of a Notice of Allowance is hereby solicited.

Dated: 3/10/04

Respectfully submitted,



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